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SENATE

{ REPORT
{ No. 91-951

JOSEFINA POLICAR ABUTAN FULIAR

JUNE 24, 1970.—Ordered to be printed

Mr. EASTLAND, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H.R. 2315]

The Committee on the Judiciary, to which was referred the bill (H.R. 2315) for the relief of Josefina Policar Abutan Fuliar, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to enable the beneficiary to qualify for first-preference status as the unmarried daughter of citizens of the United States.

STATEMENT OF FACTS

The beneficiary is a 23-year-old native and citizen of the Philippines who entered the United States as a visitor in 1966. She was adopted in California in April of 1966 by her uncle and aunt, citizens of the United States, who have one natural child. The beneficiary's natural parents and four siblings reside in the Philippines.

Legislation for the relief of the same person passed the House of Representatives during the 90th Congress and the following information is reprinted from House Report No. 1405 of that Congress:

The pertinent facts in this case are contained in letters dated November 12, 1965, and May 11, 1966, from the Commissioner of Immigration and Naturalization to the chairman of the Committee on the Judiciary regarding a bill then

pending for the relief of the same person. Those letters read as follows:

U.S. DEPARTMENT OF JUSTICE,
OFFICE OF THE COMMISSIONER,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D.C., November 12, 1965.

A14584535.

HON. EMANUEL CELLER,
*Chairman, Committee on the Judiciary,
House of Representatives, Washington, D.C.*

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H.R. 10415) for the relief of Josefina Abutan, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Los Angeles, Calif., office of this Service, which has custody of those files.

The bill would grant the beneficiary permanent residence in the United States as of the date of its enactment upon payment of the required visa fee. It would also provide for the deduction of one number from the appropriate immigration quota.

The beneficiary is chargeable to the quota for the Philippines.

Sincerely,

RAYMOND F. FARRELL,
Commissioner.

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND
NATURALIZATION SERVICE FILES RE H.R. 10415

Josefina Abutan, a native and citizen of the Philippines, was born on January 1, 1947. She is single and resides with her uncle and aunt, Benjamin and Ligaya Fuliar, in Lancaster, Calif. The beneficiary completed elementary school and attended high school for 1 year in her native country and is now enrolled in high school at Lancaster. She is not employed, has no income or assets and is supported by Mr. and Mrs. Fuliar. Her parents, two brothers, and two sisters, live in the Philippines.

The beneficiary entered the United States as a visitor for business (nursemaid) on June 20, 1965, and was authorized to remain until August 30, 1965. Deportation proceedings will be instituted on the ground that she has remained in this country for a longer time than permitted.

Benjamin Fuliar and his wife, Ligaya, were born in the Philippines on May 13, 1925, and September 22, 1930, respectively. They became citizens of the United States by naturalization on October 7, 1949, and December 8, 1961, respectively. They have one minor child. Mr. Fuliar is employed as an instrumentation technician by the U.S. Air Force and receives an annual salary of \$8,400. His wife is a seamstress with aver-

age monthly earnings of \$200. They have an equity of \$3,000 in their home valued at \$15,000 and have savings of \$900. Mr. Fuliar was a member of the U.S. Navy from September 27, 1945, until his honorable discharge on December 9, 1949. During this period he was punished for five minor infractions. He also served honorably in the U.S. Marine Corps from July 9, 1953, to July 8, 1956.

U.S. DEPARTMENT OF JUSTICE,
OFFICE OF THE COMMISSIONER,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D.C., May 11, 1966.

A14584535.

Hon. EMANUEL CELLER,
*Chairman, Committee on the Judiciary,
House of Representatives, Washington, D.C.*

DEAR MR. CHAIRMAN: This refers to H.R. 10415 in behalf of Josefina Abutan.

An order granting the beneficiary voluntary departure with the alternative of deportation was entered in this case on November 15, 1965. She was adopted in the Superior Court of the State of California for the County of Los Angeles on April 19, 1966 by Benjamin Fuliar and his wife, Ligaya Policar Fuliar. The decree of adoption provides that the name of the beneficiary shall henceforth be Josefina Policar Abutan Fuliar.

Sincerely,

RAYMOND F. FARRELL, *Commissioner.*

A report dated January 18, 1966, from the Department of State on this legislation reads as follows:

DEPARTMENT OF STATE,
Washington, D.C., January 18, 1966.

Hon. EMANUEL CELLER,
*Chairman, Committee on the Judiciary,
House of Representatives.*

DEAR MR. CHAIRMAN: Reference is made to your request for a report concerning the case of Josefina Abutan, beneficiary of H.R. 10415, 89th Congress, introduced by Mr. Reinecke. The beneficiary is presently in the United States.

The bill would grant the beneficiary permanent residence in the United States as of the date of enactment upon payment of the required visa fee. It also provides for the deduction of one number from the appropriate quota.

The U.S. Embassy at Manila, Philippines, reported that Josefina Policar Abutan was born on January 1, 1947, at Rosario, Cavite, Philippines. At the time of visa issuance, the beneficiary was single.

On June 18, 1965, the Embassy issued the beneficiary a visitor visa for a 3-week pleasure trip to the United States. The supporting documents submitted indicated that she was to

serve as a traveling companion for four Filipino children who were visiting the United States. Her passage appeared to have been paid for by Guillermo Manalo of Cavite City, Philippines, and/or Lino Bocalan who is the father of three of the children, and/or Consolacion F. Coe of Rizal, Philippines.

The Embassy's clearance check revealed no information which would render the beneficiary ineligible to receive a visa.

The beneficiary is chargeable to the oversubscribed non-preference portion of the Philippine quota, but she is not registered as an intending immigrant.

Sincerely yours,

DOUGLAS MACARTHUR II,
Assistant Secretary for Congressional Relations.

STATEMENT BY HON. ED REINECKE IN SUPPORT OF H.R. 2478
(FOR THE RELIEF OF JOSEFINA POLICAR ABUTAN FULIAR), SUB-
COMMITTEE NO. 1, HOUSE COMMITTEE ON THE JUDICIARY,
MAY 16, 1968

Mr. Chairman and members of the committee, the beneficiary of H.R. 2478 is the 21-year-old niece and adopted daughter of my constituents, Mr. and Mrs. Benjamin Fuliar, who are naturalized citizens of the United States.

By letter of May 2, 1966, I forwarded a certified copy of the decree of adoption signed and filed April 19, 1966, and entered April 22, 1966, in Los Angeles Superior Court Case No. NO-AD-204, in the matter of the adoption of Josefina Mieldina Policar Abutan. According to the decree of adoption, the beneficiary is now known as Josefina Policar Abutan Fuliar.

Mr. and Mrs. Fuliar have one minor child and Mr. Fuliar is a civil service employee, working at the present time for the U.S. Navy. As a matter of information, he has accepted and departed—as of April 15, 1968—for an overseas assignment in the Philippines, hoping that my bill in Josefin's behalf will have been favorably resolved by the time his family members join him in approximately 3 to 6 months.

Josefina is graduating from high school this June and plans to continue here schooling in the Philippines, studying business administration or accounting.

The only thing which stands in the way of Josefin now is the arbitrary age limit for adopted children under the Immigration and Nationality Act.

In view of the demonstrated sincerity of Mr. and Mrs. Fuliar's desire and intent to provide Josefin with all possible parental support so she will become a responsible young adult and citizen, if the committee will consider granting her relief on the above grounds, I would be most appreciative.

Thank you.

The decree of adoption referred to in Mr. Reinecke's statement reads as follows:

Superior Court of the State of California for the County of
Los Angeles

No. NO-AD-204 Decree of Adoption (Independent)

IN THE MATTER OF THE ADOPTION OF JOSEFINA MIELDINA
POLICAR ABUTAN, MINOR

The petition of Benjamin Molina Fuliar and Ligaya Policar Fuliar, husband and wife, for the adoption of Josefina Mieldina Policar Abutan, a minor, came on regularly for hearing before the Honorable William J. Wright, Judge presiding in Department NW"D" on the 19th day of April 1966, Thomas J. Beaudet appearing as attorney for the petitioners, with petitioners and the said minor appearing in person at the hearing; and it appearing that the Los Angeles County Bureau of Adoptions has heretofore filed its written report recommending the granting of said petition, and the petitioners and each of them having been examined separately and evidence both oral and documentary having been introduced, the court now finds that:

All of the allegations in said petition are true; that petitioners were married on February 16, 1947, and ever since have been and now are husband and wife, and are residents of County of Los Angeles, State of California; and that each of them is over the age of 21 years and more than 10 years older than said minor; that the above-named Josefina Mieldina Policar Abutan is a female child born on January 1, 1947, in Ligton (barrio), Rosario, Cacite, Philippine Islands.

That consents required by law under the facts of this case have been fully and freely given and filed in the manner required by law.

That the said petitioners have executed in the presence of the court the requisite consent and agreement that the said child shall be adopted and treated in all respects as their own lawful child should be treated, and the court, being satisfied that the interests and welfare of the minor herein will be promoted by the adoption proposed, and that the petition should be granted.

That said child being over the age of 12 years, namely 19 years, was questioned by the court and indicated her consent to the proposed adoption.

It is therefore ordered, adjudged, and decreed that said petition is granted and that said minor Josefina Mieldina Policar Abutan is now the adopted child of petitioners Benjamin Molina Fuliar and Ligaya Policar Fuliar and shall be in custody of the said petitioners and be regarded and treated in all respects as their own lawful child; that they shall sustain toward the child and the child toward them the legal relation of parents and child, and each respectively shall have

all of the rights and be subject to all of the duties of natural parent and child; that the name of said child shall henceforth be Josefina Policar Abutan Fuliar.

Dated: April 19, 1966.

WILLIAM J. WRIGHT, *Judge.*

Congressman Barry M. Goldwater, Jr., the present sponsor of the bill, has submitted the following information in connection with the case:

OXON HILL, MD., *May 13, 1970.*

Congressman BARRY M. GOLDWATER, Jr.,
House of Representatives,
Washington, D.C.

DEAR SIR: Thank you for your effort and all possible assistance to my family.

According to your letter H.R. 2315 is currently pending due to my assignment 1968 overseas has been canceled, so therefore the subcommittee has delayed action on the pending information as to my whereabouts.

So therefore I am furnishing you a complete statement of my present employment, U.S. Naval Oceanographic Office, Suitland, Md., Ship Field Branch, Detachment Navy Yard, Washington, D.C. Because of my health condition, I am waiting for the final result of my disability retirement.

I am still establishing Lancaster, Calif., as my voting residence.

Thank you and hope to hear from you soon.

Respectfully,

BENJAMIN M. FULIAR.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (H.R. 2315) should be enacted.





